

REMARKS/ARGUMENT

Regarding the Objection to the Drawings:

The Examiner's requirement that the drawings be amended to show a power sensor is respectfully traversed. The photo-sensor 8 shown in several of the figures is described in the specification as "an image sensor or a general light power sensor (see page 8, line 6). It is therefore believed that no amendment to the drawing is necessary. If the objection is adhered to, the Examiner is respectfully requested to indicate precisely how he thinks the drawing should be amended, and applicants will gladly comply.

Regarding the Claims in General:

Claims 2-5, 7-9, 12-16, 20-21, 25-30, 32, 34-35, 37, 38, and 40-54 remain pending. Claims 43 and 44 have been amended. The remaining claims are unchanged.

Regarding the Objection to Claims 43 and 44:

Although applicants' representatives are not aware of any rule or other authority which requires consistency between the preamble of a dependent claim and that of its parent claim, to advance the prosecution, claims 43 and 44 have been amended to address the objection stated in Section 3 of the outstanding Office Action.

Regarding the Prior Art Rejections:

In the outstanding Office Action, claims 2-5, 7-9, 12-16, 20-21, 25-30, 32, 34-35, 37, 38, and 40-54 were rejected under 35 U.S.C. 103(a) as being unpatentable over Furuta U. S. patent 6,153,887 (Furuta). This rejection is respectfully traversed.

Preliminarily, it is noted that the issue date of the Furuta patent is November 28, 2000, and that the effective filing date of this application is July 11, 2003. It is further noted that the Examiner's Search Notes dated January 11, 2005 show that the initial search performed on this application on January 3, 2005 included Class 250/559.4 which is the primary classification for the Furuta patent.

With all due respect, is not understood why this reference was not cited in the first or second Office Action, at least as being of general interest.

Even less understood, is why this reference has been cited at this time.

In all the embodiments of Furuta, a first common thread is that the presence or absence of the attraction object (11) is determinable only at a position over the stage (13), which is the intended delivery location for the attraction object.

A second common thread is that absence of the attraction object at the target location is indicated by a positive response from a sensor. In the embodiment of Fig. 3, the object position is between the light source and the sensor, and the object, which is non-reflective, blocks the light path only when it is at the proper location. In the embodiment of Fig. 4, the light source and the sensor are both on the same side of the object position, and a reflector (17) located at the object position is blocked when the object is at the proper location. When the object is absent, light emitted from the source is returned from the reflector to the detector.

This is altogether different from the present invention. Claim 40, for example, is directed to a collet assembly comprising "a collet having a holding site thereon", and "an apparatus for detecting the presence or absence of the target object at the holding site".

This highlights one major distinction over Furuta: claim 40 is concerned with sensing the presence of a target object *attached to the collet*, not after being deposited. There is no disclosure, teaching or suggestion of this concept in Furuta.

A further distinction of claim 40 over Furuta resides in the recitation of:

a source of light for illuminating at least a portion of the holding site;
and

a light detector for receiving illuminating light reflected from the
target object if it is present at the holding site,

There is no disclosure, teaching or suggestion in Furuta of anything which meets the requirement for sensing light *reflected from* the object as in claim 40.

The Examiner, of course, recognizes the deficiencies in Furuta (after all, the rejection is under 35 U.S.C. 103, and not section 102), but he seems to have completely ignored the first distinction above, and to have gone astray in his interpretation of the second one. In the second sentence on

page 4 of the Office Action the Examiner says that the light goes through object (11), i.e., that the object is light transmissive. Figs. 3 and 4 might be ambiguous in this regard, but it is completely contrary to what the reference teaches, as described above. It is the absence of the attraction object that elicits a response from the sensor, not its presence. Accordingly, the Examiner's stated motivation for modifying Furuta (to allow the device to be used with opaque objects) is not valid: Furuta *already* works with opaque objects. In fact, they must be opaque for the device to work.

Apart from this, there is no disclosure, teaching or suggestion to modify the reference device to sense the *presence* of the object based on its reflectivity. Furuta does not mention any reflectiveness in the target object, and this would be a limiting factor in its utility in any event (present claim 12 in fact recites that the target object is light transmissive).

Consequently, claim 40 is not rendered obvious by Furuta, and should be allowed, along with dependent claims 2-5, 7-9, 12-16, 37, 38, and 41-45. Regarding the dependent claims, these recite features, which, in combination with the features of claim 40, are also unobvious. For example, claim 41, requires that the detection of the object is performed at a third location between a pickup location and the deposit location. Claim 42 requires a dark background at the detection location. There is no disclosure, teaching or suggestion of these features in Furuta.

Independent method claims 45 and 47 are also allowable over Furuta. Claim 45 recites:

arranging a light detector to receive illuminating light reflected from the target object if it is present at the holding site and to provide an output representative of the reflected light; and

determining the presence or absence of the target object at the holding site on the basis of the detector output,

These features were discussed above in connection with claim 40, and the arguments apply with equal force to claim 45. Neither the method of claim 45, nor any apparatus capable of practicing the claimed method is disclosed, taught or suggested in Furuta, nor obvious in view of Furuta.

Claim 47 recites similar features, and is allowable for at least the same reasons.

Finally, claims 20, 21, 25-30, 32, 33-35, 46, and 48-54 are directly or indirectly dependent on claim 45 or 47, and are therefore also allowable for the reasons stated above. In addition, these claims, too, recite features which, in combination with the features of their respective parent claims are neither disclosed, taught or suggested in Furuta.

In view of the foregoing, favorable reconsideration and allowance of this application are respectfully solicited.

I hereby certify that this correspondence is being transmitted by Facsimile to (571) 273-8300 addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.

Lawrence A Hoffman
Name of applicant, assignee or
Registered Representative
Lawrence A Hoffman
Signature
December 8, 2005
Date of Signature

LAH:lac

Respectfully submitted,

Lawrence A Hoffman
Lawrence A Hoffman
Registration No.: 22,436
OSTROLENK, FABER, GERB & SOFFEN, LLP
1180 Avenue of the Americas
New York, New York 10036-8403
Telephone: (212) 382-0700